

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TERRY J. CARROLL,

Plaintiff,

Case No. 14-cv-14514

v

ONEMAIN FINANCIAL INC.,

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING APPLICATION
TO PROCEED WITHOUT PREPAYING FEES OR COSTS, AND DIRECTING
PLAINTIFF TO PAY FILING FEES ON OR BEFORE FEBRUARY 19, 2015**

On November 26, 2014, Plaintiff Terry Carroll filed a *pro se* complaint against Defendant OneMain Financial Inc., alleging violations of the Fair Credit Report Act. Specifically, Carroll alleges that “the Defendant violated the act with inaccurate and erroneous information in the Plaintiffs [sic] Daily Credit Report.” Compl. ¶ 41, ECF No. 1. Carroll also filed an application to proceed without prepaying fees or costs. Application, ECF No. 2.

On December 31, 2014, United States Magistrate Judge Patricia T. Morris issued a report recommending that Carroll’s application to proceed without prepaying fees be denied. After reviewing Carroll’s financial affidavit, Judge Morris concluded that “Plaintiff possesses the financial ability to cover the costs of litigation without undue financial hardship.” Rep. & Rec. 4.

Although Magistrate Judge Morris’s report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, Carroll did not file any objections. The election not to file objections to the Magistrate

Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 4) is **ADOPTED**.

It is further **ORDERED** that Plaintiff Terry Carroll's Application to Proceed without prepaying fees or costs (ECF No. 2) is **DENIED**.

It is further **ORDERED** that Plaintiff Terry Carroll is **DIRECTED** to pay the fees and costs associated with filing this lawsuit on or before **February 19, 2015**. Failure to file the required fees may result in dismissal of this action.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 29, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on and on Terry J. Carroll, 24 W. Almeda Beach Rd., Pinconning, MI 48650 by first class U.S. mail on January 29, 2015.

s/Tracy A. Jacobs
TRACY A. JACOBS